

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

VS.

CASE NUMBER:

Michael Alan Klevene

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. Between on or about March 28, 2012 and on or about February 1, 2013, in Hillsborough County, in the Middle District of Florida, defendant

Possessed, Received, and Transported Child Pornography  
in violation of Title 18, United States Code, Section(s) 2252. I further state that I am a(n)  
Special Agent with ICE, and that this Complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

SA Terri Botterbusch HSI/ICE  
Signature of Complainant  
Terri Botterbusch

Sworn to before me and subscribed in my presence,

February 1, 2013

at

Tampa, Florida

ANTHONY E. PORCELLI  
United States Magistrate Judge  
Name & Title of Judicial Officer

[Signature]  
Signature of Judicial Officer

### **AFFIDAVIT IN SUPPORT OF COMPLAINT**

I, Terri Botterbusch, being duly sworn, depose and state the following:

1. I am a Special Agent (SA) with the United States Department of Homeland Security, Homeland Security Investigations (HSI). I have been employed with HSI for over ten years. I am currently assigned to the HSI, Special Agent in Charge (SAC) Tampa, Florida. I have investigated matters involving the online exploitation of children, particularly in relation to violations of Title 18, United States Code, Sections 2252 and 2252A, which criminalize the possession, receipt and transmission of child pornography. I have made arrests and conducted searches pertaining to these types of investigations. I have attended specialized courses involving computers and child exploitation. Prior to August of 2005, I was assigned to Operation Panama Express where I investigated multi-ton cocaine smuggling cases as well as international drug trafficking organizations. I was employed as a St. Lucie County Sheriff's Deputy from 1995 until 2002, where I served as a road patrol deputy and narcotics/vice detective.

2. As a Special Agent, I am authorized to investigate violations of the laws of the United States and to execute arrest and search warrants issued under the authority of the United States. I have received training for online undercover investigations involving child exploitation and have participated in numerous investigations involving child pornography. I have learned the following information in my official capacity, by firsthand observations, as well as by receiving information from federal and local law enforcement in reference to the investigation of MICHAEL ALAN KLEVENE for federal criminal violations.

3. This affidavit is submitted in support of a criminal complaint. Your Affiant has not included each and every fact known to me concerning this investigation. Your Affiant has set forth only the facts believed necessary to establish probable cause to believe that Michael Alan KLEVENE has committed violations of Title 18, United States Code, Section 2252.

#### **DETAILS OF THE INVESTIGATION**

4. On December 18, 2012, HSI New Orleans initiated an investigation into individuals who distributed links to child pornography files over the Internet through a known digital file delivery service that allowed a user to send, receive and track files on demand over the Internet. Through an undercover e-mail account, HSI New Orleans received a link to [http://www.\[redacted\]/downloadfTEhYUVWseWFtMEozZU5Vag](http://www.[redacted]/downloadfTEhYUVWseWFtMEozZU5Vag).

5. On December 21, 2012, HSI New Orleans accessed the link, [http://www.\[redacted\]/downloadfTEhYUVWseWFtMEozZU5Vag](http://www.[redacted]/downloadfTEhYUVWseWFtMEozZU5Vag), and identified that it contained a zip file titled, "BoysBeingBoys vol1.zip." The zip file was discovered to contain multiple images and videos of child pornography. Below is a sampling of four child pornography files distributed over the Internet using the link:

- 0001 432.bmp - Image of a pre-pubescent male child performing oral sex on the penis of a nude pre-pubescent male child. Both male children are also manually stimulating an adult male's erect penis;
- (Pasi) Marc 11 playing.MPG - 47 second long video of a nude pre-pubescent male child masturbating;
- 4(130).jpeg - Image of a pre-pubescent toddler performing oral sex on an adult male's penis; and
- 6f888f88bc.flv - 1 minute and 20 second long video of three nude pre-pubescent male children engaged in oral sex and anal intercourse with each other.

The zip file, "BoysBeingBoys vol1.zip", contained at least 1750 images and at least 27 videos,

most of which depicted child pornography, child erotica or child sexual exploitation. Some of the files also depicted clothed children or pubescent individuals.

6. On January 16, 2013, pursuant to a Department of Homeland Security (DHS) summons, the digital file delivery service provided the following subscriber information for the creator of the link [http://www.\[redacted\]/downloadfTEhYUVWseWFtMEozZU5Vag](http://www.[redacted]/downloadfTEhYUVWseWFtMEozZU5Vag):

Michael Alan (Account)  
Michael Klevene (Billing)  
708 W Axxxxx Axxxxx, Tampa, Florida 3xxxx  
Most Recent Log-in IP address: 97.96.231.64

According to the service, KLEVENE had an active account since November 2010.

7. Subscriber sessions for KLEVENE's account indicated that he uploaded the "BoysBeingBoys vol1.zip" file to the digital file delivery service at 12:43 PM on October 13, 2012 and at 13:54 PM on December 15, 2012, using Internet Protocol (IP) address 97.96.231.64, which is associated with the Internet Service Provider (ISP) Bright House Networks.

8. An analysis of KLEVENE's sessions revealed that from November 23, 2012 through December 22, 2012, KLEVENE uploaded approximately 163 files to the digital file delivery service, multiple of whose titles were indicative of child pornography such as:

(gay Ø asian) teen - 16yo japanese boy shoots lots of cum -.mpg  
10-13 milk boys.avi  
youngboys4.WMV  
11yo little boy cums with short cry.MPG

9. Further information provided by the digital file delivery service revealed that approximately 5139 downloads or attempted downloads were made by other users to obtain the files uploaded by KLEVENE. This information indicated that KLEVENE shared the files that he uploaded to the Internet.

10. KLEVENE has no known criminal history. He is the "Senior Maintenance Technician" for the Hyde Park United Methodist Church, Tampa, Florida.

11. At approximately 10:38 AM on January 24, 2013, using an undercover e-mail account, HSI New Orleans sent the following e-mail to KLEVENE at alanp772@gmail.com.

"Hi alanp. Saw your older Jonathon albums. sad to see him gone. Anything new??? My HP crashed a while back and i lost everything .. What a heartbreak:( Puddin"

At approximately 11:19 AM on January 24, 2013, KLEVENE, using the moniker, "Alan Photoguy", responded back with the following text and website links.

"Nothing new from Jonathon- he's still in [redacted]. Too bad w/ the computer- I'll send some links soon to get you back "up" again! Here's a few to start"

KLEVENE sent the following digital file delivery service website links in the e-mail:

- Link# 1: [http://www.\[redacted\]/download/WUJZbIFEY1NkMnRBSXNUQw](http://www.[redacted]/download/WUJZbIFEY1NkMnRBSXNUQw)
- Link# 2: [http://www.\[redacted\]/download/WUJZbIFEY1NtUUVQWWNUQw](http://www.[redacted]/download/WUJZbIFEY1NtUUVQWWNUQw)
- Link# 3: [http://www.\[redacted\]/download/WUJZbIFEY1NCSWZtcXRVag](http://www.[redacted]/download/WUJZbIFEY1NCSWZtcXRVag)

12. HSI New Orleans accessed Link# 1, which enabled the download of the previously identified child pornography zip file, "BoysBeingBoys vol1.zip," described above.

13. HSI New Orleans accessed Link# 2, which enabled the download of a child pornography zip file titled, "NewSelections.zip". The "NewSelections.zip" file contained further zip files titled, "French yng boys", "Matt-Clayton2", "Sel Series from stick" and "zips from E" and a video titled, "Joepy II". The files accessed in Link# 2 contained numerous child pornography videos and images. An analysis of the previous digital file delivery service DHS summons response revealed that KLEVENE initially uploaded the files accessed in Link# 2 to the digital file delivery service on March 28, 2012 and then again on April 9, 2012, June 1, 2012, July 3, 2012 and twice on December 15, 2012.

14. HSI New Orleans accessed Link# 3, which enabled the download of child pornography videos, including the following:

- m8.mpg - 16 second long video that depicted a nude pre-pubescent male lying on top of a nude adult male as the adult male masturbates and ejaculates on the child;
- m1.wmv - 2 minute and 27 second long video that depicted a pubescent male having anal intercourse with what appeared to be a pre-pubescent male; and
- Idea Mix\_0001.wmv - 6 minute and 17 long compilation video that included a nude pre-pubescent male displaying his penis and masturbating.

An analysis of the previous digital file delivery service DHS summons response revealed that KLEVENE initially uploaded the files accessed in Link# 3 to digital file delivery service on May 26, 2012, again on July 9, 2012 and then again on December 15, 2012.

15. Pursuant to a DHS summons, on January 29, 2013, the ISP, Bright House Networks provided the following Internet subscriber account information associated with IP address 97.96.231.64, the IP address associated with creation of the digital file delivery service "BoysBeingBoys vol1.zip" file:

Customer Name: Michael Klevene  
Customer Address: 708 W Axxxxx Axxxxx, Tampa, Florida 3xxxx  
Activate Date: 04/19/2012

16. HSI New Orleans also obtained subscriber information associated with several other digital file delivery service child pornography links uploaded by KLEVENE on December 15, 2012 and December 22, 2012. The items were uploaded to the Internet from the Internet subscriber account associated with 708 W Axxxxx Axxxxx, Tampa, Florida 3xxxx.

#### **SEARCH OF RESIDENCE**

17. On February 1, 2013, a federal search warrant was executed at KLEVENE's residence, 708 W Axxxxx Axxxxx, Tampa, Florida 3xxxx, Middle District of Florida.

KLEVENE was present and stated that he was the only person who lived in the residence.

18. Pursuant to the search, law enforcement seized computers, thumb drives, an external hard drive, and other media that KLEVENE admitted belonged to him.

19. A preview of KLEVENE's desktop computer revealed that it contained hundreds of child pornography files. Two of the files are described as follows:

- 25955940mb.jpg – naked prepubescent boy with legs up, exposing his genitals in a lewd and lascivious manner; and
- 2589953qnn.jpg – naked prepubescent boy with legs spread, sitting on a ball.

20. A preview of thumb drives found in KLEVENE's safe revealed that they contained multiple images of child pornography. Two of the files are described as follows:

- bg3-42.jpg – prepubescent female performing oral sex on an adult male; and
- 100c.jpg – prepubescent male masturbating.

21. A preview of an external hard drive revealed that it contained thousands of child pornography files. Two of the files are described as follows:

- 02 -9yo boy gest a ride.avi – 3 minutes, 17 seconds long video depicting prepubescent male child being masturbated by an adult male; adult male subsequently has anal sex with child; and
- 1 Luto – First Time Mbb sex.avi – 12 minutes, 12 seconds long video that begins with a prepubescent male child undressing and then depicts the male child naked on a bed with another prepubescent male; an adult male then masturbates the boys and has anal sex with one boy; then the two prepubescent males have oral sex with each other and then on the adult male; then the video depicts three prepubescent males.

22. Law enforcement also found printed images of child pornography located throughout KLEVENE's house.

23. Post-Miranda, KLEVENE confessed to possessing, downloading, or receiving, and sharing, or transporting, child pornography. He stated that he has been collecting images and videos of child pornography for over 20 years and that he masturbates to the child pornography. KLEVENE stated that he downloaded and shared child pornography using the Internet. He further admitted that he posted non-pornographic images of a male child in Tampa to the Internet in order to obtain more child pornography. KLEVENE denied ever committing any "hands-on" offenses.

24. KLEVENE admitted that the digital file delivery service account from which the above-referenced links, containing child pornography, were posted was his account. He specifically admitted to sending out a link to "BoysBeingBoys vol1.zip." He stated that he sent links containing child pornography to hundreds of people. He admitted that his e-mail address was the address that was linked to the digital file delivery service.

25. KLEVENE told law enforcement that he was surprised he was caught because he thought he only distributed child pornography to people who shared files with him.




### CONCLUSION

26. Based on the above information, your Affiant has probable cause to believe that KLEVENE possessed, received, and transported child pornography that had been transported in interstate or foreign commerce by any means, including by computer between March 28, 2012 and February 1, 2013, in violation of Title 18, United States Code, Section 2252.

Affiant further sayeth naught.

SA Terri Botterbusch HSI/ICE  
Terri Botterbusch  
Special Agent  
Immigration and Customs Enforcement

Sworn to and subscribed before me  
This 1<sup>st</sup> day of February, 2013.

  
ANTHONY E. PORCELLI  
United States Magistrate Judge